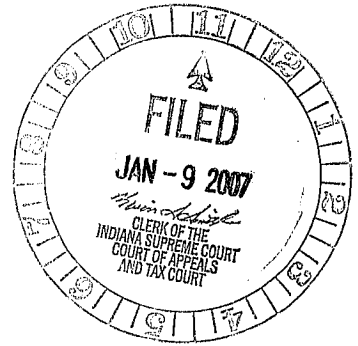


In the
Indiana Supreme Court



IN THE MATTER OF)

APPROVAL OF LOCAL RULES)

FOR SCOTT COUNTY)

Cause No. 72S00-0701 -MS- 11

ORDER APPROVING AMENDMENT TO LOCAL RULES

Pursuant to Ind. Trial Rule 81(D), the Hon. Roger L. Duvall, Judge of the Scott Circuit Court and the Hon. Nicholas L. South, Judge of the Scott Superior Court, request this Court's approval of an amendment to Scott County Local Rule LR72-CR2.2-1. Judges Duvall and South also request that this amendment become effective immediately.

Upon examination of the proposed rule amendment requested by the Scott Circuit and Superior Courts, this Court finds that the proposed rule amendment to Local Rule LR72-CR2.2-1 complies with the requirements of Ind. Criminal Rule 2.2 and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Scott County Local Rule LR72-CR-2.2-1, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Roger L. Duvall, Jr., Scott Circuit Court, One East McClain Avenue, #212, Scottsburg, IN 47170-1848; the Hon. Nicholas L. South, Scott Superior Court, One East McClain Avenue, #252, Scottsburg, IN 47170-1848, and to the Clerk of the Scott Circuit and Superior Courts.

The Clerk of the Scott Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9th day of January, 2007.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

LOCAL RULE NO. LR72-CR2.2-1

ASSIGNMENT OF CRIMINAL CASES

The Courts of Scott County, Indiana, finding that good cause exists to deviate from the schedule established pursuant to Trial Rule 81(D), adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All cases wherein the most serious charge is a Class C Felony or above shall be filed in Circuit Court.

~~(B) All cases wherein a person is charged under Indiana Code 35-46-1 et. seq., offenses against the Family, or Indiana Code 20-8.1-3, Compulsory School Attendance, shall be filed in Circuit Court.~~

~~(C)~~(B) All cases wherein a person is charged with a felony and that person is currently on probation under a conviction in Circuit Court, or, that person has a pending unresolved case in Circuit Court shall be filed in Circuit Court.

~~(D)~~(C) All cases wherein the factual basis for the criminal charges, also, is the factual basis in the Circuit Court under Indiana Code 31-34 et. seq., Child In Need of Services, shall be filed in Circuit Court.

(D) All cases wherein a person is charged under Indiana Code Title 20, Compulsory School Attendance Law, shall be filed in Circuit Court.

(E) All juvenile delinquency cases shall be filed in Circuit Court and if there is a waiver from juvenile court into adult court, the case shall be filed in Circuit Court.

(F) All other criminal cases and infractions shall be filed in Superior Court.

(G) Any cases which may be joined by statute shall be treated as one case for purposes of determining which court shall be selected. The highest charge filed shall determine selection.

(H) When there is a recusal by the sitting Judge or when a motion for change of Judge has been granted, the Clerk shall assign a judge randomly from the following list:

1. Jon W. Webster - Jennings Circuit Court
2. Ted Todd - Jefferson Circuit Court
3. Fred Hoying - Jefferson Superior Court
4. Robert L. Bennett - Washington Circuit Court
5. Frank Newkirk - Washington Superior Court
6. Bruce Markel - Jackson Superior Court
7. James Funke, Jr. - Jennings Superior Court

(I) In the event a case is dismissed and refilled, the Judge last having jurisdiction in the dismissed case shall be the judge in the new case.

(J) Criminal cases for which the factual basis to support the filing of a criminal charge occurred before December 31, 2004 shall be filed in the Scott Superior Court.

(K) Criminal cases in the Scott Circuit Court for which there was a disposition prior to January 1, 2005 and for which there is filed a motion, pleading or notice of any nature, other than a petition for post conviction relief or a probation revocation proceeding, shall, if accepted, be transferred to or addressed by the Scott Superior Court or referred to a Senior Judge for further disposition. A petition for post conviction relief or a probation revocation proceeding shall, if accepted, be transferred to the Scott Superior Court or assigned a new Judge pursuant to Section H of this Rule.

This rule shall be effective as soon as approved by the Indiana Supreme Court pursuant to Criminal Rule 2.2.

Approved this 22 day of December, 2006.

/S/ _____

Roger L. Duvall

Judge, Scott Circuit Court

/S/ _____

Nicholas L. South

Judge, Scott Superior Court